

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

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v.

*

Crim. Case No. SAG-23-0123

CHARLES AUSTIN JENKINS, et al.

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Defendants

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ORDER

This Court has reviewed the Government’s Motion to Exclude Time Pursuant to the Speedy Trial Act (“STA”), ECF 105, and the corrected opposition filed by Defendant Robert Justin Krop, ECF 107. Initially, this Court notes that the motion to exclude time is unopposed by one of the two defendants, Charles Austin Jenkins, and will be granted in full as to that defendant. With respect to Mr. Krop, his opposition evidences a fundamental misunderstanding of the operation of the STA. While the STA provides for trial to occur within seventy days of the defendant’s first appearance in court, there are several periods that are excluded from those seventy days. Relevant to this case, which has been heavily contested with extensive motions practice at every turn, the period between the filing of any pretrial motion and the disposition of that motion is automatically excluded. *See* 18 U.S.C. § 3161(h). This Court has reviewed the docket and has determined that, at most, 56 days of the 70 allowable days have elapsed, because the remainder of the time has been excluded as a result of pending pretrial motions. At present, there is a pretrial motion pending relating to a proposed revised indictment, ECF 98, which has been opposed by Mr. Krop and will require consideration and disposition by this Court. The Speedy Trial clock, then, is not presently running. When this Court issues a ruling on ECF 98, the Government should promptly renew its request for speedy trial exclusion if no other pretrial motions have been filed, and this Court will consider the issue again at that time.

This Court further notes that, at the recent scheduling conference, Mr. Krop’s counsel rejected

this Court's proposed October, 2024 trial date, citing personal commitments unrelated to this case. As a result, his jury trial was set almost 60 days later, in December, 2024. This Court is gravely concerned about the inconsistent positions taken by Mr. Krop and his counsel with respect to trial scheduling. Out of an abundance of caution, to ensure that Mr. Krop's speedy trial rights are protected, this Court will re-schedule this eight-day jury trial for October 15, 2024. My chambers will separately issue a new scheduling order with dates for pre-trial filings and a pre-trial conference.

For the reasons set forth herein, the Government's motion for speedy trial exclusion, ECF 105, is granted as to Defendant Jenkins and denied without prejudice as to Defendant Krop.

January 23, 2024
Date

/s/
Stephanie A. Gallagher
United States District Judge